

**REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-37 are pending. Claim 28 has been amended. No claims have been cancelled or added. Therefore, claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-37 are now presented for examination.

It is submitted that the issues in this matter have been discussed in depth in the prior responses. To avoid unnecessary repetition, the Applicant will for the most part limit the discussion here to the responses provided by the Examiner. However, it is submitted that the prior arguments presented remain relevant, and show the patentability of the claims.

**Claim Rejection under 35 U.S.C. §102****Gambino**

The Examiner rejected claims 1-4, 31-32, and 39 under 35 U.S.C. 102(b) as being anticipated by U.S Patent 6,339,796 of Gambino ("Gambino"). The Examiner has rejected claim 39, but such claim was previously cancelled.

Claim 1 provides for "establishing secured communications", with communications being secured using, at least in part "a plurality of synchronized security sequence values for authentication of secure communications." The other independent claims contain related elements regarding secure communications. As has been stated in the prior responses, the nature of secure communications regards different issues than simply synchronizing messages to put them in the proper order. Synchronized security sequence values involve issues regarding the synchronization of the security sequence values. It is well understood that if the proper key is not available for secured data, the

data cannot be accessed. The synchronization of SECURITY SECUENCE VALUES is NOT the same as addressing DATA that is out of sequence because of component failure or similar issues.

In response, the Examiner cites to the entire “Technical Field”, “Background of the Invention”, and “Disclosure of the Invention” sections of *Gambino*, column 1, line 21 through column 2, line 56. The relevant portions of these sections have already been discussed in the last office action. The Examiner again quotes portions of *Gambino* regarding “the recovery of network operations after of a failure of a network unit that causes loss of data messages send on an RTP connection in the network, and out of order arrival of data messages.” However, no portion of the quoted portion mentions any issues regarding secured communications, the storage of security sequence values as resynchronization values, or the reestablishment of secured communications using resynchronization values. The Applicant respectfully requests that the Examiner identify what portion of the quoted section the Examiner has determined relates to these issues – there does not appear to be any connection.

The Examiner then quotes to the background of the Applicant’s own application and finds that “It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Applicant’s Admitted Prior within the system of applied prior art(s) because they are analogous in network communication security when desynchronization occurs.” It is submitted that this is not accurate. First, these matters are NOT analogous because *Gambino* has nothing to do with the synchronization of secured communications or related issues. Second, there is nothing in *Gambino* that would be useful because it does not provide any relevant

teaching that would be useful for synchronization of security values, and thus there is nothing to combine. Third, the motivation that the Examiner has presented is not relevant and misses the point of the claims. The Examiner identifies the motivation to combine as follows: "One would have been motivated to do so because it would resynchronize the communication to allow sender and receiver [to?] exchange data messages securely without missing data during resynchronization." This cannot represent a proper motivation to combine because it does not represent true issues. The real issue is NOT that the communication needs to resynchronized. This represents the confusion with *Gambino*. The issue is the resynchronization of security sequence values, which then leads to reestablishment of secured communications. Thus, a proper motivation to combine has not been presented.

*Gambino* is not concerned with security sequence values or the authentication of secure communications. *Gambino* instead concerns re-synchronizing message traffic in a communications network following a network communications failure. As has been stated before, *Gambino* deals with a different solution to a different problem. *Gambino* is discussing a system to resynchronize and restart a network after a component failure, not with synchronized security values. *Gambino* is concerned with the ordering of data, not with the ordering of security sequences required to access such data. *Gambino* does not discuss security issues, and, while *Gambino* discusses a type of synchronization, it is the wrong type of synchronization. *Gambino* discusses a way to figure out the status of a network when there is a component failure so that it can be quickly restored. This does not involve the same issues as are faced with sequences of security values that are needed to access data.

It is again submitted that the arguments presented above also apply to independent claims 31 and 32, and thus such claims are also allowable. The remaining claims are dependent claims and allowable as being dependent on the allowable base claims.

**Claim Rejection under 35 U.S.C. §103****Gambino in view of Johnson**

The Examiner rejected claims 5, 7-8, 10-12, 14-17, 19-21, 23-28, 30, and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Gambino in view of U.S Patent No. 6,247,059 of Johnson ("Johnson"). The Examiner has rejected claim 38, but such claim was previously cancelled.

It is respectfully submitted that the discussion above regarding Johnson does not contain the elements missing from Gambino. For this reason, the references, alone or in combination, do not teach or suggest the elements of the claims.

The Examiner now states that "Moreover, Johnson discloses security sequence values by sending multicast messages by a sender device wherein the message contains [a?] information/security sequence number that allows [the?] intended receiver device to check and determine the possibility the earlier-sent message from the send node were not received by the receiver node (see abstract)." However, a reading of *Johnson* indicates that this statement is not accurate. *Johnson* never mentions a "information/security sequence number", and in fact never uses the word "security" in any form. What *Johnson* refers to is a "sequence number", such as in a "associated sequence number indicative of a position of the multicast message within the sequence". (*Johnson*, claim 2) It is submitted that the Office Action provides a false impression of what is discussed

in the reference by characterizing the sequence values as "security" values without any basis in the reference.

*Johnson* involves transmission of multicast messages to members of a computing system, and involves a form of re-synchronization, but NOT in reference to security values. The quote provided by the Examiner makes this very clear. When a multicast message is received, the sequence number is checked. The number is used for comparison. "On the other hand, if the sequence number or the DOB marker contained in the multicast message do not match the sequence number or marker expected by the receiver node, a resynchronization request message will be returned by the receiver node to the sender node. The resynchronization request will cause the sender node to respond with its new marker, and the sequence number of the last multicast message unacknowledged by the receiving node. In this way, lost multicast messages can be accounted for and delivered." The section quoted by the Examiner thus has nothing to do with the claim elements. The reference is simply concerned with sequencing messages, and making certain that lost messages are accounted for and delivered.

As with *Gambino*, a type of "resynchronization" is involved in *Johnson* that is different than the claims and does not involve synchronized security values for the authentication of secure communications.

For at least the above reasons, *Gambino* and *Johnson*, alone or in combination, do not teach or suggest the elements of the claims.

#### **Claim Rejection under 35 U.S.C. §103**

**Jari in view of Johnson**

The Examiner rejected claims 5, 7-8, 10-12, 14-17, 19-21, 23-28, 30, and 33-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0020275 of Jari, et al. (hereinafter "*Jari*") in view of *Johnson*.

As has been previously stated, *Jari* describes a communication node and a method of recovering from a temporary failure of the node. Applicant again submits that no sequence of synchronized security values is shown by *Jari*. What *Jari* shows is a plurality of security associations. There is a sequence of a sort involved, each security association having a "header sequence number". The issue with the reference regards synchronization. The security values are not synchronized to anything. If there is a loss of power, there is no desynchronizing of the secured communications. What occurs is that data is lost that needs to be retrieved.

The Examiner cites to the following:

[0037] In the event of a power failure (or possibly certain other failures) of the security gateway 2, the contents of the volatile memory 5 are erased or corrupted so that the current SAD is lost. When power is restored and the security gateway 2 is operative again, the power supply detector 8 supplies a signal illustrated at 20 in FIG. 3 to generate another interrupt 21 for the data processor of the controller 6. At 22, the controller 6 retrieves the most recently stored SAD from the disk memory 7 and, at 23, decrypts the SAD using the latest private key which, for example, may be stored in the disk memory 7 in association with the SAD. The controller 6 may delete expired security associations from the SAD as illustrated at 24 before writing the SAD to the volatile memory 5 as shown at 25. Alternatively, the controller 6 may simply "inject" the whole SAD into the volatile memory of the CPU 4, which then deletes expired security associations. The SAD is thus restored with very little delay and allows

the security gateway 2 to begin controlling secure communication between external users and the VPN 1 very quickly. The controller 6 then enters the wait mode as illustrated at 26 and awaits the next interrupt.

There is no mention of the resynchronization of communications, as claimed by the Examiner. The term "synchronization" or "resynchronization" is apparently not used in this reference. Applicant submits that the reference does not contain the elements suggested by the Examiner, and requests that the Examiner identify to what precisely the Examiner is referring.

### Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action should one be required. Please charge any fee to our Deposit Account No. 02-2666.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 1/3/07

  
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